

EMERGENCY RELIEF MANUAL



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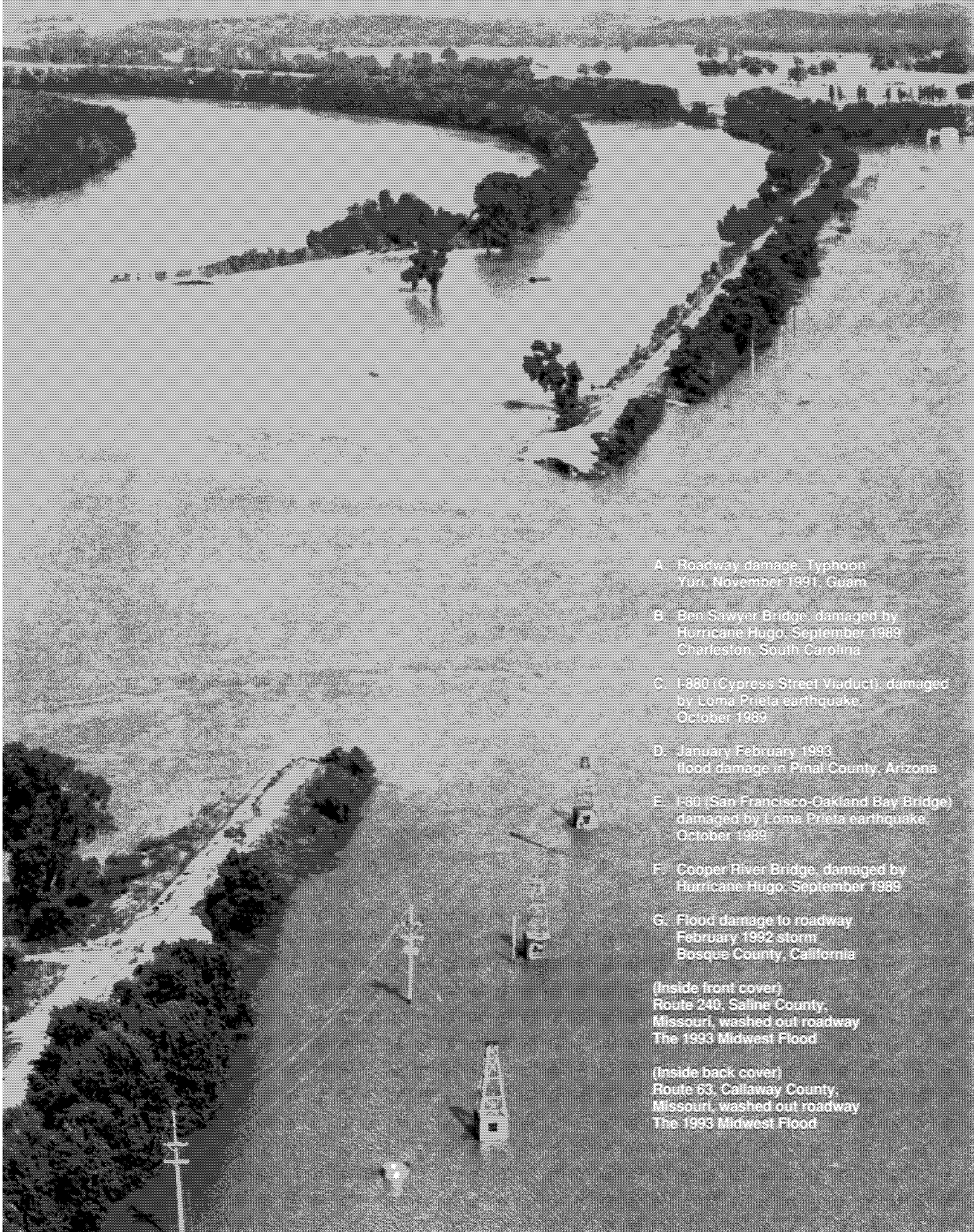
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U.S. Department
of Transportation
Federal Highway
Administration



- A. Roadway damage. Typhoon Yuri, November 1991, Guam
- B. Ben Sawyer Bridge, damaged by Hurricane Hugo, September 1989, Charleston, South Carolina
- C. I-880 (Cypress Street Viaduct), damaged by Loma Prieta earthquake, October 1989
- D. January-February 1993 flood damage in Pinal County, Arizona
- E. I-80 (San Francisco-Oakland Bay Bridge) damaged by Loma Prieta earthquake, October 1989
- F. Cooper River Bridge, damaged by Hurricane Hugo, September 1989
- G. Flood damage to roadway, February 1992 storm, Bosque County, California

(Inside front cover)
Route 240, Saline County,
Missouri, washed out roadway
The 1993 Midwest Flood

(Inside back cover)
Route 63, Callaway County,
Missouri, washed out roadway
The 1993 Midwest Flood



U.S. Department
of Transportation
**Federal Highway
Administration**

Emergency Relief Manual

**Office of Engineering
Federal-Aid and Design Division
Federal-Aid Program Branch, HNG-12
Federal Highway Administration**

January 1994

MESSAGE FROM THE ADMINISTRATOR

“When the earth shook and fires raged in California, when I saw the Mississippi deluge the farmlands of the Midwest in a 500-year flood, when the century’s bitterest cold swept from North Dakota to Newport News, it seemed as though the world itself was coming apart at the seams. But the American people rose to the occasion, neighbor helping neighbor, stranger risking life and limb to save total strangers — showing the better angels of our nature.”

These were the sentiments expressed by President Clinton during his State of the Union Address on January 25, 1994.

As Federal Highway Administrator, I am proud to be a part of an agency that has provided emergency relief to thousands of people suffering as a result of one of the worst periods of natural disasters in this century. Our national fortitude has been tested as we have faced the great destruction to the infrastructure of our towns and cities.

Secretary Federico Peña and I surveyed the widespread devastation first-hand, but we also witnessed strong commitment by both public workers and private citizens. States had crews struggling to keep roads and bridges open while at the same time repairing those damaged by the floods, quakes, slides, and winter storms which have rocked this Nation.

The Federal Highway Administration’s Emergency Relief (ER) Program was established to offer financial assistance to States for repair of federal-aid highways and highway facilities damaged by catastrophic or natural disasters. Recognizing that essential systems cannot be rebuilt in a matter of days, the FHWA will do its part to assure that resources are provided to those in need as quickly as practical. With that in mind, this manual is designed to provide States with the necessary know-how for evaluating damage and preparing requests for disaster aid.

The Federal Highway Administration is committed to responding as rapidly as possible in the face of disasters which impact on the safety of the system of roads and bridges used by the public. We are committed to providing the resources necessary to assist States, cities, and communities, as well as cutting through the “red tape” to provide the fastest repair possible to severe infrastructure damage.



Rodney E. Slater
Federal Highway Administrator

TABLE OF CONTENTS

INTRODUCTION	1
I. REPORTING MAJOR OCCURRENCES AND DISASTERS	3
A. REFERENCE	3
B. TELEPHONE REPORTS	3
II. PRELIMINARY APPLICATION	5
A. BASIC CRITERIA	5
B. FEDERAL HIGHWAY ADMINISTRATION RESPONSIBILITIES	5
C. FLOW CHART	6
D. TYPICAL LETTER OF INTENT	7
E. FHWA's ACKNOWLEDGEMENT OF STATE'S LETTER OF INTENT	8
III. GOVERNOR'S PROCLAMATION	9
A. BASIC CRITERIA	9
B. PREPARATION OF THE PROCLAMATION	9
C. RELATIONSHIP TO PRESIDENT'S DECLARATION	9
D. FINDING BY THE FEDERAL HIGHWAY ADMINISTRATOR	9
E. ILLUSTRATION OF THE GOVERNOR'S PROCLAMATION	10
IV. DISASTER ASSESSMENT	11
A. PURPOSE	11
B. MOBILIZATION	11
1. Disaster Coordination Engineer	11
2. Division Office Orientation	11
3. Resource Evaluation	11
C. COORDINATION WITH OTHER AGENCIES	11
1. Policy	12
2. State Highway Agency	12
D. FIELD ASSESSMENTS (Windshield Inspections)	12
1. General	12
2. Coordinated Assessments	12
3. Scope of Review	12
4. Recordkeeping	13
5. Supplemental Information	13
V. FIELD REPORT	15
A. PURPOSE	15
B. FIELD REPORT PREPARATION/CONTENT	15
C. SUMMARY OF OTHER REQUIRED DOCUMENTS	16
D. FIELD REPORT SUBMISSIONS	16
E. TWO DISASTERS TREATED AS ONE	16

VI. DETAILED DAMAGE INSPECTIONS	17
A. PURPOSE.....	17
B. DISASTER INSPECTION TEAMS.....	17
C. DOCUMENTATION	17
D. BLANK DETAILED DAMAGE INSPECTION REPORT	18
VII. ELIGIBILITY	19
A. GENERAL	19
1. Intent	19
2. Scope.....	19
3. Type of Emergency	19
B. BASIC CRITERIA.....	19
1. General Eligibility.....	19
2. Other Considerations	20
a. Causal Factors	20
b. Heavy Maintenance	20
c. Applicant-Owned Material.....	21
d. Erosion Damage.....	21
e. Examples of Ineligible Work.....	21
f. Combined Work.....	21
3. Common Problem Areas.....	21
a. Roadbed Repair and Cleanup.....	21
b. Timber and Debris Removal.....	21
c. Intermittent Damage.....	22
d. Emergency Detours	22
e. Prior Scheduled Work	22
f. Engineering and Right-of-Way.....	22
g. Landscaping	22
h. Appurtenances	22
i. Traffic Control Devices	22
j. Work on Active Projects	23
k. Toll Facilities	23
l. Roadways — Raising Grades	23
m. Roadways — Overlays	23
C. SPECIFIC CRITERIA.....	23
1. Emergency Repairs.....	23
a. Intent of Emergency Work	24
b. Roadway Repairs.....	24
2. Permanent Repairs	24
a. Restoration in Kind	24
b. Replacement Facilities	24
c. Betterments	25
d. Replacement in Kind	25
e. Wayside Areas	25
f. Replacement of Culverts.....	26
g. Deficient Bridges	26
h. Bridge Betterments.....	26
i. Protective Work	27

j. "Convenient" Damage	27
k. Rock and Mud Slides	27
l. Plugged Culverts	27
3. Administrative Expenses	27
a. Regular and Extra Employees	27
b. Payroll Additives	27
c. Other Expenses	28
4. Supplies and Materials	28
5. Equipment	28
6. Contractual Services	28
7. Construction Engineering	28
VIII. PROJECT PROCEDURES AND REQUIREMENTS	29
A. GENERAL	29
B. FUNDING	29
C. PREPARATION AND SUBMISSION OF PROGRAMS	29
D. APPROVAL OF PROGRAMS	29
E. PROJECT OVERSIGHT	29
F. COMBINED FEDERAL-AID AND EMERGENCY RELIEF	30
G. CONSTRUCTION START DEADLINE	30
H. FHWA AS THE CONSTRUCTION AGENCY	30
I. AUTHORIZATIONS	30
J. PROJECT DESIGNATIONS	30
1. Emergency Relief (ER)	30
2. Emergency Relief — Federally-Owned (ERFO)	30
3. ER-ERFO	30
4. Project Numbering	31
K. FORCE ACCOUNT/CONTRACTS FOR EMERGENCY REPAIRS	31
1. Force Account	31
2. Solicited Contract	31
3. Negotiated Contracts	31
L. DESIGN STANDARDS	32
M. ENVIRONMENTAL IMPACT ASSESSMENT	32
N. ABBREVIATED PLANS	32
O. STATE EMERGENCY MANUAL	32
P. NONCOLLUSION AFFIDAVIT	33
IX. CATASTROPHIC FAILURES	35
A. GENERAL	35
B. CRITERIA	35
C. PRELIMINARY APPLICATION	35
D. GOVERNOR'S PROCLAMATION	35
E. FIELD REPORT	35
F. SAMPLE OUTLINE FOR FIELD REPORT	35
G. CATASTROPHIC FAILURE ILLUSTRATION	36
INDEX	37

INTRODUCTION

This manual provides instructions on procedures for Federal Highway Administration (FHWA), State, and local highway agency personnel involved in disaster assistance to Federal-aid highways. The manual is a guide for evaluating damage and preparing the necessary documents to support the use of Emergency Relief (ER) funds for repair of highway facilities severely damaged by a major catastrophe or natural disaster. This manual considers, but does not duplicate, instructions of the Federal Emergency Management Agency (FEMA) for damage to roads off the Federal-aid highways and directions in the Emergency Relief Manual for Federal Roads which covers federally owned roads.

Congress has authorized an emergency fund for the repair or reconstruction of highways, roads, and trails that have suffered serious damage as the result of:

1. A natural disaster over a wide area such as floods, hurricanes, tidal waves, earthquakes, severe storms, or landslides;
2. Catastrophic failures from any external cause, for example, a bridge hit by a barge, which subsequently and suddenly collapses.

All repair or reconstruction work proposed for participation with ER funds must be located on: (1) The Federal-aid highways or (2) Federal roads as defined by various classifications in 23 U.S.C. 101. Certain limitations on funds availability, such as the \$100 million limitation on obligations for a single disaster in any one State (23 U.S.C. 125 (b)), may affect a particular disaster.

The ER program supplements the commitment of resources by States, their political subdivisions, or Federal agencies to help pay unusually heavy expenses resulting from extraordinary conditions.

Approved ER funds are available at the pro rata share that would normally apply to the Federal-aid facility damaged and includes sliding scale rates. Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities accomplished in the first 180 days after the disaster occurs may be reimbursed at 100 percent Federal share. During this 180-day period, permanent repair work is reimbursed at

normal pro rata share unless it is performed as part of emergency repair work to restore essential travel, minimize the extent of damage, or protect remaining facilities. This 180-day period applies to disasters occurring after December 18, 1991.

ER funds are not intended to take care of all damage repair costs or interim emergency repairs that will necessarily restore predisaster conditions. State and local highway agencies must expect additional expenditures, changes in project priorities, and some inconvenience to traffic as a result of emergency conditions. State and local governments are responsible for planning and providing for extraordinary conditions. Economic hardship is not a factor in determining repair eligibility. There is no nationwide definitive break point between routine and extraordinary repair expenses. Generally, however, FHWA expects States to handle disaster repairs costing less than \$500,000 via their own emergency or routine procedures even if the disaster occurs at a potential ER site.

The ER funds are not intended to replace other Federal-aid, State, or local funds for new construction to increase capacity, correct non-disaster related deficiencies, or otherwise improve highway facilities.

This manual will cover only those criteria and procedures applicable to the Emergency Relief program on Federal-aid highways. Procedures relating to ER programs for Federal roads that are not part of the Federal-aid highways are outlined in the *Emergency Relief Manual for Federal Roads*. Damage to highway facilities not included above (e.g., local roads and streets) may be eligible for other Federal funds as outlined in manuals published under authority of P. L. 93-288 and FEMA. The FEMA Program Guide "A Guide to Federal Aid in Disasters," June 1990, presents a brief overview of their programs.

The applicability of ER to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Applicability of ER to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility and was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses to the highway agency.

For floods, coordination among Federal agencies is handled through an interagency agreement among FEMA and the 11 Federal agencies involved with hazard mitigation. Hazard mitigation teams are active immediately following a disaster. FEMA's publication *Flood Hazard Mitigation Handbook of Common Practices* documents the appropriate activity.

The Federal Highway Administrator must evaluate a Field Report, discussed in Chapter V, and make a finding that the disaster is eligible within the intent of the legislation before ER funds can be made available.

The responsibilities and role of the Federal Highway Administration in ER activities under Sections 120 and 125, 23 U.S. Code, are:

1. Administration of the ER program through coordination and implementation of disaster relief policies and procedures.
2. Provision of assistance to State, Federal, or other highway agencies in seeking application for funds.
3. Provision of direct technical assistance to the State, Federal, or other highway agencies in the review, design, repair, and reconstruction of damaged highway facilities.

CHAPTER I

REPORTING OF MAJOR OCCURRENCES AND DISASTERS

A. REFERENCE

The FHWA has established an Alert Bulletin process to rapidly advise the FHWA Administrator, the Deputy Secretary, and Secretary of Transportation of important matters, major occurrences, and catastrophes that are local, regional, or national significance.

Although many such occurrences may not be ER fundable, the following represents the types of events to be reported under the Alert Bulletin process:

- earthquakes, tornadoes, hurricanes, landslides, floods, forest fires, heavy snowfall of such magnitude as would seriously impede highway transportation;
- highway accidents that involve the loss of a number of lives;
- radiological incidents on highways;
- work stoppages or strikes of sufficient importance as to adversely affect highway transportation, including operation, construction or maintenance;
- acts of terrorism; and
- legislative or gubernatorial actions of major concern to highway transportation.

B. TELEPHONE REPORTS

It is requested that information on such matters be transmitted immediately by telephone to the FHWA Emergency Coordinator, Statewide Planning Division, in Headquarters. Division offices are requested to establish and maintain constant liaison with State agencies (such as the Highway Agency, the State Patrol, and the Civil Defense Organization) that would be most likely to receive prompt information regarding actual or prospective major failures or disasters. When possible, information on the probable occurrence of predictable disasters, such as hurricanes, floods, etc., should be reported in advance. Further developments should be reported as they occur. When a major failure or disaster takes place during off-duty hours which, in the judgment of the Division Administrator, is of sufficient importance to warrant advice to the Secretary of Transportation before the next day, the Division Administrator should notify higher authority in accordance with the Alert Bulletin procedure.

CHAPTER II

PRELIMINARY APPLICATION

Reference FAPG 23 CFR, Section 668.111

A. BASIC CRITERIA

It is the responsibility of the State Highway Agency (SHA) to request ER funds for assistance in the cost of the necessary repair or reconstruction of Federal-aid highways seriously damaged by a natural disaster or catastrophic failure. A preliminary application shall be filed with the FHWA through the Division Administrator. The application must be submitted during or promptly after the occurrence of the disaster. The application may be simply a notice that ER funds will be sought and does not need to specify the amount or other details. Page 7 illustrates a typical letter of intent for a SHA involved in a natural disaster.

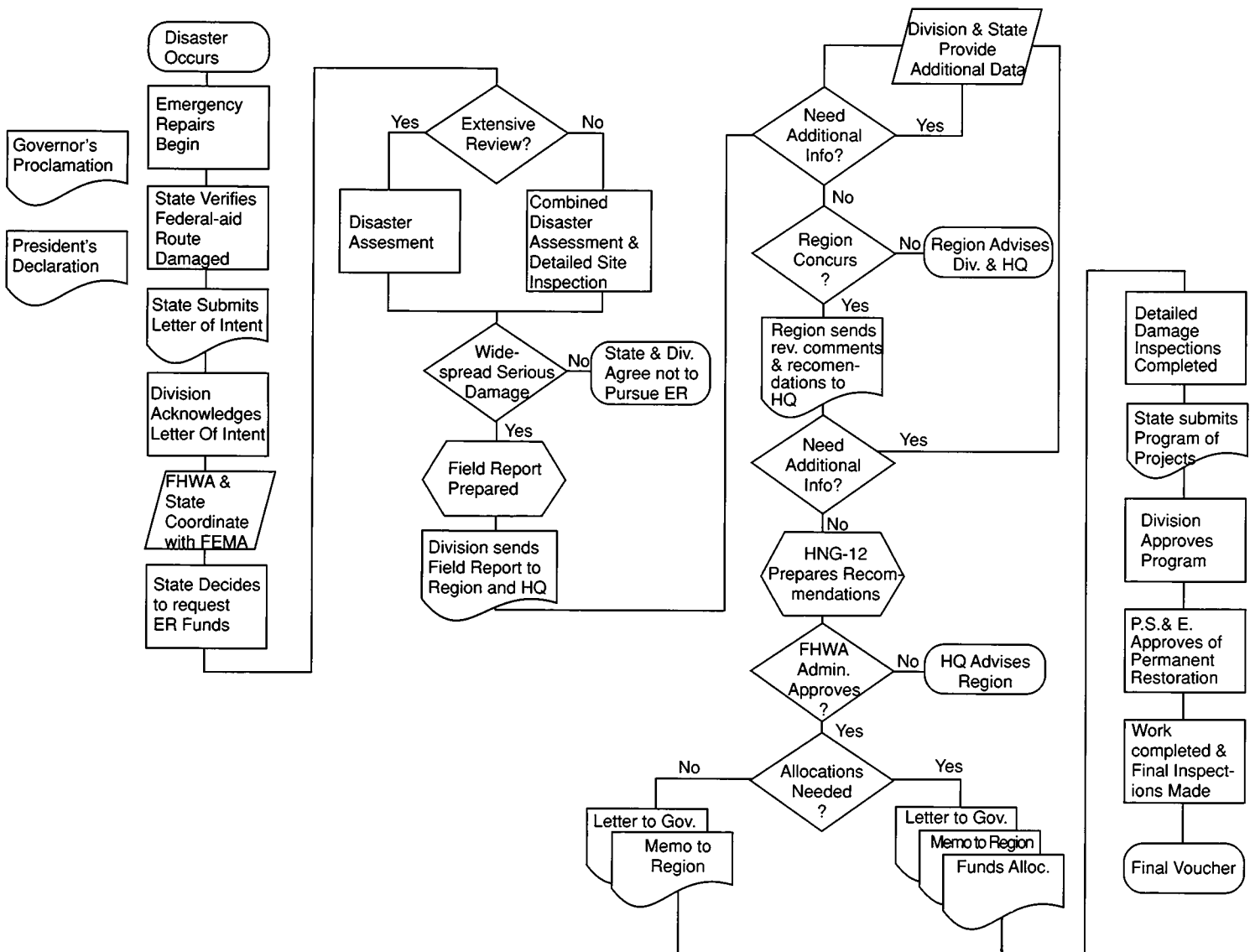
B. FEDERAL HIGHWAY ADMINISTRATION RESPONSIBILITIES

The Federal Highway Administration will acknowledge all preliminary applications (letter of intent) in writing. Page 8 illustrates a Division Administrator's reply to the State's letter of

intent for a natural disaster including information to be covered in the acknowledgment. The acknowledgment letter to the State should cover the following items: acknowledgment, effective date, emergency operations, preliminary engineering, use of force account, waiver of competitive bidding, guidance for permanent work, time frame and items needed for field report, time limit for programming, payment contingent on approval by the Administrator, recordkeeping requirements. The Division Administrator shall forward promptly one copy each of all preliminary applications and one copy each of the letters of acknowledgment to the Regional office and to the Washington office (Federal-Aid Program Branch, HNG-12).

The Division Administrator's acknowledgment of the applicant's letter of intent will assure the State that temporary operations, emergency repairs, and preliminary engineering may proceed without prior authorization. The eligibility of such work for ER funds will be contingent upon a favorable finding by the Federal Highway Administrator on the eligibility of the disaster and subsequent approval of the work by the FHWA.

FLOW CHART



**TYPICAL LETTER OF INTENT
FOR A STATE HIGHWAY AGENCY
INVOLVING A NATURAL DISASTER**

TO: _____, Division Administrator
Federal Highway Administration

FROM: _____
Administrator and State Highway Engineer

SUBJECT: Severe Flooding in [State]
January 14, 19__

Under provisions of Title 23, U.S.C., Section 125, this is notice of intent by the [State] State Highway Department to request emergency relief funds to assist in the cost of repairing damages on the Federal-aid highways in [State] damaged by the extreme runoff and flooding following the storm beginning January 14, 19__.

Attached is a copy of the Declaration by Governor _____ of a State of Disaster in [State] on January 15, 19__. Please request concurrence by the Federal Highway Administrator in this Declaration.

Preliminary estimates of the damages sustained to the Federal-aid highways will be forwarded within a few days when assembled.

We are proceeding expeditiously to maintain two-way traffic at all locations and to repair those sections sufficiently to protect facilities from further damage.

Attachment

**FHWA's ACKNOWLEDGMENT
OF STATES' LETTER OF INTENT**

(State Highway Department)

Dear (name):

This is to acknowledge receipt of your letter of intent, dated *(date)*, to request Emergency Relief Funds, authorized under Sections 120 and 125 of Title 23, U.S.C., for the repair of damage to Federal-aid highways resulting from the *(disturbance)* of *(date)*.

You should proceed with performance of emergency operations, including emergency repairs, necessary on the Federal-aid highways to restore essential travel, to protect the remaining facilities, to reduce the extent of damage, to begin preliminary engineering comprising surveys, design, and preparation of construction plans, to perform the permanent restoration work required as an associated part of the emergency operations, and to use State forces and/or negotiated equipment rental contracts as necessary to perform the work.

The eligibility of such work for ER funds will be contingent upon a favorable finding by the Federal Highway Administrator, on the eligibility of the disaster, and subsequent approval of the work by FHWA.

The basis for the Administrator's decision will be a field report from this office with estimates of cost to repair and reconstruct the damaged Federal-aid highways and evidence of the widespread extent and intensity of the disaster.

My office will be meeting [has met] with members of your staff to make arrangements for reviewing the disaster damage and preparing the field report and site damage reports. The field report is to be submitted within 6 weeks, if possible. If additional time is required, please advise.

If the Administrator concurs in the disaster, all emergency work must be included in an emergency program. The program, when submitted for approval, shall include a detailed outline of the necessary emergency operations performed and a description of the permanent restoration work proposed. Permanent restoration work other than that performed as an associated part of the emergency operations, shall not be performed prior to program approval and authorization by this office.

Recordkeeping should be to permit audit of costs on a site-by-site basis.

Sincerely yours,

(Division Administrator)

CHAPTER III

GOVERNOR'S PROCLAMATION

Reference FAPG 23 CFR Section 668.111

A. BASIC CRITERIA

When serious damage has occurred or is being caused to Federal-aid highways, an official proclamation shall be issued by the Governor of a State except when a request has been made for a major disaster declaration by the President under the Disaster Relief Act (P.L. 93-288). The proclamation should be issued during or shortly after the occurrence and should state the gravity of the situation and specify the area affected. For a natural disaster, it is necessary to establish that the damage covers a wide area within the intent of the legislation and is not confined to a local situation nor is it a regular and frequent occurrence. In the case of a catastrophic failure, it must be established that a catastrophic failure occurred, (e.g., a sudden failure of a major element or segment of the highway system that causes a disastrous impact on transportation services) and that the cause was external to the facility.

B. PREPARATION OF THE PROCLAMATION

Although the Governor's proclamation may be issued during or with reasonable promptness following the event, there is no need from FHWA's standpoint for the proclamation to be issued until a realistic determination has been made as to the area affected. It is desirable that preparation of the Governor's proclamation be delayed to permit evaluation of the magnitude and extent of the natural disaster and to evaluate the magnitude of the catastrophic failure by engineers from the State and FHWA. This procedure should facilitate consistency between the list of counties in the proclamation and those covered by FHWA's field report. The signed or certified copy of the Governor's proclamation shall be obtained for the Division office file.

C. RELATIONSHIP TO PRESIDENT'S DECLARATION

The proclamation by the Governor as required in Title 23 is an entirely separate official action from the declaration issued by the President of the United States.

The President's declaration is related to disaster relief under authority of P.L. 93-288, and is in response to a request from the Governor. The Governor's request for a determination by the President may be submitted as part of the State's application for ER funds in lieu of a State proclamation. A copy of the Governor's request shall be obtained for the Division office file.

D. FINDING BY THE FEDERAL HIGHWAY ADMINISTRATOR

The FHWA's concurrence in the emergency proclamation by the Governor will be based on a review of the Field Report. The Federal Highway Administrator's concurrence will indicate his/her finding that extraordinary conditions did exist, that substantial damage occurred to the Federal-aid highways over a wide area, or that a catastrophic failure occurred, and that the disaster is eligible for ER funding assistance under 23 U.S.C. 125.

When the Governor has requested a major disaster declaration by the President and the declaration has not been made, the Federal Highway Administrator will make a finding, based on the Field Report, that extraordinary conditions did exist, that substantial damage occurred to the Federal-aid highways over a wide area, and that the disaster is eligible for ER assistance.

When the President has issued a major disaster declaration, the Federal Highway Administrator need not concur that a disaster occurred but must nevertheless make a finding, based on the Field Report, that substantial damage has occurred to the Federal-aid highways over a wide area or that the criteria for a catastrophic failure exists and that the damage is eligible for ER assistance under 23 U.S.C.

ILLUSTRATION OF GOVERNOR'S PROCLAMATION

(Date)

A PROCLAMATION BY THE GOVERNOR:

Floods and rapid runoff, commencing on *(date)*, were experienced throughout the following counties in *(State)* as a result of extremely heavy rains: *(list of counties)*. The flooding and associated runoff have produced serious and extensive damage to both private and public property. As a consequence, this State has sustained severe damage to its road systems, which include bridges, roadbeds, and other facilities. Damage occurred on the Federal-aid highways.

Damage throughout the *(general location)* part of the State has been of such an extent that immediate repairs have been necessary. Such conditions constitute an emergency as is contemplated by the terms of Sections 125 and 120(e) of Title 23, U.S.C.

Therefore, I *(name)*, Governor of the State of *(State)* do hereby proclaim an emergency to exist throughout the *(general location)* part of the State as a result of flooding and runoff conditions and consequent danger to life and damage to property including Federal-aid highways. The immediate repair and reconstruction of the damaged highways is vital to the security, well-being, and health of the citizens of the State of *(State)*; and the Federal Highway Administrator is hereby requested to concur in the declaration of this emergency.

In testimony whereof, I have hereunto subscribed my name and caused the seal of the State of *(State)* to be affixed at *(City)*, the *(day)* day of *(month)*, A.D. *(year)*.

Governor of *(State)*

ATTEST:

Secretary of State

CHAPTER IV

DISASTER ASSESSMENT

A. PURPOSE

The disaster assessment is an evaluation of natural occurrence that affects transportation facilities to determine if the basic conditions exist for a reasonable request for ER funding. In any natural disaster situation two conditions must be met in order to qualify for ER funding: (1) the natural occurrence is sudden, unusual, and causes serious damage to Federal-aid highways; and (2) the extent of serious damage to Federal-aid highways covers a wide area. The natural occurrence over a wide area must have inflicted unusual heavy economic loss to the State and its subdivisions or other organizations or agencies.

The purpose of the disaster assessment is to gather the data necessary to determine if these conditions have been met. The criteria for catastrophic failures are discussed in Chapter IX, B.

B. MOBILIZATION

Experience has shown the need for developing a system for documenting damage estimates related to a natural disaster and the preparation of the Division Office Field Report. A good procedural method consists of the following elements:

1. Disaster Coordination Engineer

One engineer from the Division Administrator's staff should be selected and delegated the responsibility for coordinating the Division office activities relating to disaster assistance programs. This procedure will provide uniformity in administration of all program activities.

2. Division Office Orientation

The Division Disaster Coordination Engineer should arrange a training meeting to brief field engineers on resource and procedural requirements necessary to fulfill Division office responsibilities. Eligibility and field reporting procedures should be discussed and evaluation teams organized. The following items should be provided to each FHWA engineer charged with assessment responsibility:

- a. Highway agency contact's name
- b. *ER Disaster Assistance Manual*
- c. Camera and film
- d. Maps of affected areas

- e. Calculator
- f. List of unit prices
- g. Blank detailed damage inspection report forms (sample follows Chapter VI)

3. Resource Evaluation

An initial evaluation of staffing/personnel requirements, equipment, and financial needs should be made. These resources must be adequate for the timely completion of the required disaster assessments and damage surveys. During this time, the need to update drivers' licensing and immunization of field personnel should be evaluated. FHWA Regional offices should evaluate, in cooperation with the affected Division offices, the personnel needs for these activities.

The disaster assessment should be completed quickly to permit Field Report submission within 6 weeks. A combined effort to conduct the detailed inspections along with the disaster assessment may take 2 to 4 weeks longer.

C. COORDINATION WITH OTHER AGENCIES

Most natural disasters will involve several Federal, State, and local agencies. It is necessary to provide immediate contact with these agencies to expedite the ER program. Coordination with the Office of Federal Lands Highway Programs is of particular importance since they maintain close liaison with the Forest Service, Park Service, Bureau of Indian Affairs, and the Bureau of Land Management regarding damage to Federal roads that may have sustained damage from the same event. Coordination can alleviate embarrassing inconsistencies and inaccurate total damage estimates.

Meetings set up by the SHA are often advantageous, particularly if they are similar to, or in conjunction with, those held by the FEMA. Since the State requests ER funds through the Governor, the SHA has the responsibility to arrange these meetings. The FHWA should provide technical assistance at these meetings, as requested.

The purpose of these meetings should be to brief all eligible applicants and personnel who will be involved in ER projects. Attendance should include State highway maintenance forces, key State highway headquarters and division and/or district office

personnel, FHWA field engineers, administrative people from local governments, and representatives from Federal agencies. Eligibility, field procedures, and field reporting procedures should be discussed.

Applicants should be advised of the necessary records and documents that must be available to support expenditures on ER projects. Permanent restoration work is to follow normal Federal-aid procedures.

1. Policy

The Federal Government will participate in costs incurred by a SHA, or a political subdivision of that State, when such costs are properly supported and when such costs are directly attributable and properly allocable to ER projects. Documentation, as applied to the several categories of cost, is discussed later in this chapter.

2. State Highway Agency

All requests for reimbursement shall be in a manner consistent with that followed in connection with the billing of other types of Federal-aid project costs. Billings for reimbursement will be subject to audit by State and Federal representatives. (Reference Federal-Aid Policy Guide, 23 CFR 140). A billing for eligible costs incurred by the SHA should be submitted to FHWA for reimbursement. A billing for participating costs incurred by a political subdivision of a State should be submitted to the SHA which, in turn, may submit a billing for such costs to FHWA for reimbursement. Final billing should be submitted promptly after the final inspection of the completed work. Progress billings are reimbursed on permanent repair projects. All billings should result from the project cost records and the accounting system. In order to obtain maximum reimbursement from the Federal

Government, any political subdivision expecting to incur ER project costs should obtain guidance in the preparation and maintenance of supporting documentation as well as in billing procedures from officials of the SHA. Source documents are to be preserved for a period of at least 3 years after payment of the final voucher by FHWA.

D. FIELD ASSESSMENTS (Windshield Inspections)

1. General

The SHA and Federal or State agencies who have responsibility for highways under their jurisdiction will have advance information on the initial damage, road closures, and in some cases a very rough estimate of costs to restore facilities. As part of the more general disaster assessment, FHWA field engineers will be assigned to verify extent and severity of damage to highways and bridges.

2. Coordinated Assessments

In certain circumstances where time permits and the number of sites can be adequately sampled, ER assessments may coincide with assessments required by FEMA. Concurrence by FEMA should be obtained in advance.

3. Scope of Review

An independent verification by FHWA is required. Depending on the time available, amount of damage, how widespread the damage is, and accessibility, FHWA field engineers are to review as much of the identified or reported damage as possible. The Washington Headquarters of FHWA will require verification of at least one site of serious damage in each county recommended for ER funding. The purpose of this verification is to assure the Administrator that no

jurisdiction will be promised funds where not eligible and to ensure that the most critical needs are approved at the earliest practical time. For an obvious situation such as a massive bridge collapse, these conditions may be immediately met. For a marginal condition, many weeks of verification may be involved. The Division Disaster Coordination Engineer should be responsible for prescribing to the FHWA field engineers the format and extent of information necessary to prepare the Field Report and to support the Division's recommendations.

4. Recordkeeping

As a minimum, the Division's file should contain information on the extent and methods used to evaluate the disaster and copies of the FHWA field engineer's assessments on damage and estimates of cost.

5. Supplemental Information

Types and sources of other information and data should be considered if available:

- a. Damage reports from other agencies supported by photographs or field verification by FHWA personnel
- b. Newspaper articles
- c. Photos, including aerial photos
- d. U.S. Weather Bureau data
- e. U.S. Geological Survey information
- f. Reports from others, such as flood control agencies, cities, public utilities, Corps of Engineers, etc.
- g. Interviews with local citizens
- h. Contact with FEMA where a Presidential declaration is involved.

CHAPTER V

FIELD REPORT

Reference FAPG 23 CFR Section 668.111(b),
and Attachment NS 23 CFR 668A

A. PURPOSE

The purpose of the Field Report is to summarize the damage assessment and provide information to Washington Headquarters recommending the findings of the Federal Highway Administrator that a natural disaster or catastrophic failure has occurred within the intent of 23 U.S.C. 125. The report is to generally describe the nature and extent of the resulting emergency situation and to delineate the limits of serious damage to Federal-aid highway facilities. The sudden and unusual nature of the disaster should be documented and evidence of external cause should be included for a catastrophic failure. A long-term problem such as a very slow moving slide, subsidence, or a lake rise is considered outside the scope of a "disaster" since necessary work is more accurately categorized as preventive rather than corrective.

Serious damage for purposes of supporting a finding of ER applicability is heavy, major, or unusual damage to the highway that severely impairs the safety or usefulness of the highway or results in road closure. Serious damage requires more than normal heavy maintenance to repair. Examples of serious damage include destroyed bridges, damaged bridges incapable of supporting traffic, loss of traffic control devices causing severe disruption, or major slides and slip-outs extending into the traveled way. An application for ER funds in the amount of \$500,000 or less must be accompanied by a statement on why the damage repair involved is considered to be beyond the scope of heavy maintenance or routine emergency repair. Generally, widespread nominal road damages in this range are not considered significant and therefore do not justify approval by the FHWA Administrator for ER funding.

B. FIELD REPORT PREPARATION/CONTENT

Division Office Disaster Field Report.

The Division Disaster Coordination Engineer, upon receipt of the field assessments, will develop the Division Office Disaster Field Report. The Field Report shall include:

1. A description of the types of damages and the approximate cost of restoration or reconstruction for each county by Federal-aid routes. In addition, the Division should provide an estimate of costs of repair work on Interstate versus other Federal-aid routes (because of different Federal shares) and determine the amount of allocation (Federal share) needed to accommodate obligations during the remainder of the fiscal year.
2. A description of the limits of the areas involved, the nature and characteristics of the disaster or catastrophe including the dates of occurrence, and a description of the types of damages and destruction. This information will differentiate between ordinary and extraordinary natural disturbances except when the President has declared that a major disaster exists over the area involved.
3. Photos showing the kinds and extent of serious damages sustained in the areas being recommended. At least one photo showing eligible damage should be included for each affected county.
4. County maps or other media detailing the damage areas and illustrating other features of the narrative.
5. Recommendations by the Division Administrator.

C. SUMMARY OF OTHER REQUIRED DOCUMENTS

If not previously submitted, the following documents must accompany the Field Report:

Preliminary Application. This is a State's letter of intent to seek ER funds. Normally, a copy of this letter is forwarded to the Washington Headquarters prior to the preparation of the Field Report.

Acknowledgment of Preliminary Application. This is the Division office acknowledgment of the letter of intent.

Governor's Proclamation. This is a copy of formal proclamation by the Governor of the existence of an emergency or a copy of the Governor's official request for a Presidential major disaster declaration.

Written Request from the State. A copy of the State's written request for ER funds.

D. FIELD REPORT SUBMISSIONS

One copy each of the Field Report and supporting documents shall be sent concurrently to the Regional office and Washington office. The FHWA Regional office must review these documents and, based on the information and data in the Field Report, provide a recommendation of either concurrence or nonconcurrence with the request for ER funding. The FHWA Regional Office may disapprove the request. The Region's recommendations on the ER Field Report (or a copy of its disapproval action) should be forwarded to FHWA Headquarters within 1 week after the Region receives the Field Report.

E. TWO DISASTERS TREATED AS ONE

Disasters can occur so closely in time that the damage to roads and bridges is difficult or impossible to evaluate and tabulate as separate events. Many facilities in the same area may suffer damage from a second disaster before the damage caused by the earlier event has been evaluated by the survey teams. In these situations, the data supporting the magnitude and extensiveness of the second occurrence should be supported in the regular manner; but the request submitted should ask that the two disasters be recognized as a single event. This may, of course, not be desirable if the disasters are potentially subject to a "cap" or limit on obligations. In this instance, survey teams should make a "best estimate" of damage to be attributed to each event.

Granting a request to treat two disasters as one will simplify the processing of the necessary repair or reconstruction projects by having a single ER finding for all projects resulting from the two disasters. The Governor's second proclamation should cover both disasters. However, the supporting data must prove that facilities have suffered severe damage in both disasters and such damage is of sufficient severity to justify ER assistance. Sufficient documentation establishing the existence of separate disasters should be assured to facilitate compliance with limitations on obligations that may be reached.

CHAPTER VI

DETAILED DAMAGE INSPECTIONS

A. PURPOSE

After it becomes apparent that the Division Administrator will recommend a positive determination of natural disaster, disaster inspection teams should be organized. These teams should document site-by-site repair requirements to develop supporting material for programming purposes. This detailed inspection may be accomplished in conjunction with the disaster assessment (Chapter IV) if this detailed analysis does not delay submission of the Field Report.

B. DISASTER INSPECTION TEAMS

The teams shall consist of representatives from the FHWA and the applicant. If the applicant is not the SHA, a State highway representative should be a member of the inspection team. Specialists from each agency should also accompany the team if the situation warrants.


The applicant's representative will indicate cause of damage and the normal design practice to repair the facility. The FHWA field engineer shall consider site eligibility and proposed repair effort. All sites reviewed and deemed eligible by the applicant shall be documented with the FHWA recommendations noted. If all parties cannot agree on eligibility, the FHWA representative is to note on the inspection report all items in disagreement.

It should be explained to the applicant and members of the team that the final authority for determining Federal participation rests with higher authority, and in unusual circumstances, a recommendation of eligibility by the FHWA representative may be reversed.

C. DOCUMENTATION

1. The damage inspection document should include photographs and indicate:
 - a. The specific location, cause, nature and extent of damage, including mileposts where available
 - b. The most feasible and practical method of repair, particularly if the applicant's proposal does not meet eligibility criteria (See Chapter VII)
 - c. The estimated cost to effect the repair
 - d. Recommendation by the FHWA field engineer
 - e. Acknowledgment by the applicant (and State representative, as appropriate)
 - f. Potential environmental/historical impacts
2. To supplement the basic document, a location map, sketch of the site, and photographs are useful elements to support the inspection team's findings.
3. A blank detailed damage inspection report form follows.

BLANK DETAILED DAMAGE INSPECTION REPORT FORM

 DETAILED DAMAGE INSPECTION REPORT (Title 23, Federal-aid Highways)		Report No. _____			
		Sheet No. _____ of _____			
		Disaster No. _____			
Applicant: _____		County: _____			
Inspection Date _____		Federal-aid Route No. _____			
Location of Damage (Name of Road and Milepost) _____					
Description of Damage					
Cost Estimate (include Construction Engineering)					
Emergency Repair Completed	Quantity	Unit	Description of Work to Date (Equipment, Labor, and Materials)	Unit Price	Cost
Method of Work: <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Emergency Contract				Total Emergency Repair Completed	\$
Emergency Repair Remaining					
Method of Work: <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Emergency Contract				Total Emergency Repair Remaining	\$
Permanent Restoration					
Estimated Preliminary Engineering				\$	
Method of Work: <input type="checkbox"/> Local Forces <input type="checkbox"/> State Forces <input type="checkbox"/> Permanent Repair Contract				Total Permanent Restoration	\$
Environmental Assessment Recommendation <input type="checkbox"/> Not Required <input type="checkbox"/> Major Action <input type="checkbox"/> Nonmajor Action			Right-of-Way		\$
Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible			TOTAL ESTIMATED COST		\$
Concurrence <input type="checkbox"/> YES <input type="checkbox"/> NO			FHWA Engineer		Date
Concurrence <input type="checkbox"/> YES <input type="checkbox"/> NO			State Engineer		Date
Concurrence <input type="checkbox"/> YES <input type="checkbox"/> NO			Local Agency Representative		Date

CHAPTER VII

ELIGIBILITY

Reference FAPG 23 CFR Section 668.109

A. GENERAL

1. Intent

The ER program is intended to aid States and local highway agencies to pay unusually heavy expenses of repairing serious damage to Federal-aid highways resulting from natural disasters or catastrophic failures. The program supplements the efforts of the highway agencies through financial participation in repair of damage that is beyond that normally performed by the agency during ordinary and occasional heavy maintenance operations. In order to simplify the inspection and estimating process, heavy maintenance may, as a guide, be defined using dollar guidelines developed by the States and Divisions. Criteria may vary from jurisdiction to jurisdiction. A minimum guideline dollar value of \$3,000 per site and \$500,000 per disaster is suggested for national consistency.

2. Scope

The ER funds may not necessarily be appropriate for all damage repair costs nor will interim emergency repairs necessarily restore predisaster conditions. State and local highway agencies must expect additional expenditures, changes in project priorities, and some inconvenience to traffic as a result of emergency conditions. State and local governments have the responsibility to plan and provide for extraordinary conditions. Economic hardship is not a factor in determining repair eligibility.

The ER funds are not to replace other Federal-aid, State, or local funds for new construction to increase capacity, correct nondisaster related deficiencies, or otherwise improve the highway facilities. The ER program does not provide emergency medical transportation services (e.g., ambulances, helicopters, etc.), compensation for material, equipment, or economic losses (e.g., stockpiled material, maintenance equipment, lost revenue, etc.), or snow removal. The ER funds are limited to the repair or reconstruction (replacement) of highways and highway projects as defined in Title 23, U.S.C.

3. Type of Emergency

The emergency conditions most frequently experienced are those resulting from damage to highways caused by storms that create rapid runoff and flooding conditions. This chapter

focuses on such situations. The term “flood waters” includes high, rapid stream runoff. Hurricanes, tidal waves, earthquakes, severe storms, landslides, volcanic eruptions, and other catastrophes will normally follow the same criteria. The Federal Government will participate in costs when they are properly supported and documented, and when such costs are directly attributable and properly allocable to ER projects. A favorable finding by the Administrator does not mandate eligibility. The purpose of this chapter is to clarify eligibility as it relates to specific site work and costs.

B. BASIC CRITERIA

1. General Eligibility

Damage to be repaired must be the direct result of the approved disaster or catastrophic failure. Highways to be repaired using ER funds must be Federal-aid highways and must be within the areas identified in the Administrator’s finding. Specifically, eligible work may include the repairs or reconstruction of damaged highway facilities within the right-of-way limits, such as the following:

- Base courses, pavements or other surface courses, shoulders
- Bike and pedestrian paths
- Bridges
- Cleaning of plugged culverts and pipes
- Clearance of debris and other deposits in drainage courses or on the highway
- Corridor parking facilities
- Cribbing or other bank control features
- Culverts and similar structures
- Cut slopes
- Embankments

- Fences
- Guardrail
- Natural stream channels or man-made channels, including riprap
- Rest areas
- Retaining walls
- Signs and traffic control devices

2. Other Considerations

As a general rule, permanent work that is eligible for participation as a part of a regular Federal-aid improvement project may be deemed eligible for ER funds. Portions of a Federal-aid highway facility that are not the maintenance responsibility of the applicant are generally not eligible for repair or reconstruction.

a. Causal Factors

For damage to roads and bridges to be eligible for ER funds, that damage must have occurred as a direct result of the disaster. Damage caused indirectly by the condition is generally not eligible. The intent of ER funds is to provide repairs to damaged roadways caused by a natural disaster or catastrophic failure, not repairs to roadways damaged as a result of preexisting and non-disaster related deficient conditions.

(1) Traffic Damage

Roadway surfaces, including those on detours, damaged by the movement of traffic during or following the incident period attributable to emergency relief work may be considered eligible for repair.

In addition, repair of damage to surfaces of Federal-aid highways caused by traffic making necessary repairs to Federal-aid highways as well as traffic making repairs to other transportation facilities (i.e., railroads, airports, ports, etc.) for the purpose of restoring essential travel is eligible. Any repair of non-Federal-aid highways, regardless of whether it is caused by the disaster or by traffic movements associated with repair of other transportation facilities, is not eligible.

Further, any repair of Federal-aid highways caused by traffic not associated with repair of transportation facilities, such as movement of building materials to a community, is not eligible.

(2) Frost Heaving

Damage to roadway sub-base and base materials due to inundation or because of freezing and resultant frost heaves, although the roadbed has been saturated by the flood waters, is not eligible for repair.

(3) Basin Flooding

Basin flooding situations may be approved if there is evidence that corrective work is restorative in nature rather than preventive. A restorative situation exists if damage was not anticipated (e.g., gradual lake rise may cause anticipated damage) and if it can be shown that the flooding is long-term, effectively rendering the roadway useless for an extended period of time. Of course, it must be evident that the road is still needed in light of other effects of the inundation and if approved, ER funds should be limited to the amount necessary to reopen the road to traffic. Reestablishment of a road to full pre-flood character and capacity in a basin flooding situation is considered to be more appropriately funded with other funds including regular Federal-aid.

b. Heavy Maintenance

When a disaster has caused damage requiring heavy maintenance or work frequently performed by the applicant's maintenance crews, repairs are usually not eligible. Heavy maintenance is usually performed by highway agencies in repairing damage normally expected from seasonal and occasionally unusual natural conditions or occurrences. It includes work at a site required as a direct result of a disaster that can reasonably be accommodated by a State or local road authority's maintenance, emergency, or contingency program. Examples include minor work necessary to repair damage consisting primarily of eroded shoulders, filled ditches and culverts, pavement settlement, mud and debris deposits, slope sloughing, and slip-outs in cut or fill slopes.

It is not the intent of the ER program to relieve an agency of its maintenance responsibility simply because a storm of unusual character and extent causes serious damage to roads and to public and private property. As intensive rainfall by

itself is not unusual, it is frequently difficult to determine if there was a lack of proper maintenance of shoulders and ditches prior to the storm that contributed to the damage.

c. Applicant-Owned Material

Replenishment of destroyed or damaged stockpiles of materials for both maintenance and construction that have not been incorporated into the highway is not eligible for replacement under the ER program. Repair or replacement of damage to applicant's or contractor's facilities, such as maintenance sheds or equipment, is not eligible for ER funds. For example, the applicant is in the process of widening a bridge as a maintenance betterment project. Precast concrete beams have been delivered to the job site but have not been incorporated into the structure. Rapid runoff of flood waters destroy the existing bridge and the precast beams. Cost of repair of the damaged bridge is eligible. However, since the precast beams were not a part of the existing bridge at the time of its destruction, cost of replacing the beams in the stockpile is not eligible.

d. Erosion Damage

Minor erosion damage due primarily or wholly to rainfall and resulting from surface saturation of slopes and embankments, rather than from flood waters, is not considered eligible. Even though the work may be a little more extensive than usual, it is considered heavy maintenance and not eligible.

e. Examples of Ineligible Work

Only that work which exceeds heavy maintenance, is extraordinary, and restores predisaster service is eligible. Ineligible damage, for example, may include the following items:

- Minor shoulder and slope erosion
- Filled up ditches and culverts
- Damaged traffic control devices when traffic is not severely disrupted
- Minor slip-outs of embankments
- Minor slides
- Minor loss of surfacing from the traveled way and shoulders

- Minor pavement settlement
- Minor deposits of mud and debris
- Other minor erosion damage
- Maintenance of emergency detours and temporary surfaces
- Damage to or loss of stockpiles of material not incorporated into the highways
- Damage to facilities, such as maintenance sheds or equipment
- Destruction or damage of facilities that had been closed to traffic for reasons other than the occurrence or for construction

f. Combined Work

There may be situations where there are major washouts concurrent with disaster related work that could be construed as merely heavy maintenance. From a practical standpoint, on any section of roadway where there is substantial damage, consideration should be given to making all the work in close proximity to the major damage site eligible rather than attempting to segregate minor segments. Experience has indicated that to separate the items is not practical.

3. Common Problem Areas

Over the years several problem areas seem to cause recurring questions. The following items address frequently misunderstood policies.

a. Roadbed Repair and Cleanup

When the site costs of roadbed repair and minor slide cleanup are small (e.g., less than \$3,000 per site), although widespread, such work still falls into the category of heavy maintenance and should be ruled ineligible during the field inspection. This type of work can be normally expected by the applicant.

b. Timber and Debris Removal

The cost of piling and disposal of debris at adjacent sites, as well as those costs of removing marketable timber from the acceptable clearing limits and transporting to adjacent stockpile sites, is eligible for ER participation. However, hauling costs to sawmills or to other locations beyond the proximity of the highway right-of-way are not eligible. The

clearing limits for debris, including downed timber, should be those that clear the traveled way and the entire cut and fill slopes and assure the full functioning of the pavement, drainage ditches, and structures including the clear zone for safety. Clearing of the remainder of the full right-of-way is the responsibility of the agency having jurisdiction. The cut sections should be cleared to the safe distance that will assure that no debris will cause roadway slope erosion or will roll down to clog ditches or endanger traffic on the pavements and shoulders. The timber and debris removal operations should conform to the standards of safety for that particular route. Clearing of timber and debris from areas between curb lines on city streets on the Federal-aid highway is eligible.

In the case of normal medians, the necessary cleanup of downed timber and debris is eligible. Where the directional highways are widely separated because of terrain or for aesthetic reasons, the cleanup of the entire median would not be acceptable. Each directional highway should be treated as a separate roadway, including cut and fill slopes, and handled as described in paragraph a. Snow and ice removal are not eligible as debris removal.

c. Intermittent Damage

When flood waters cause intermittent shoulder damage, debris deposited on roadway or structures, washout of riprap, damaged guardrail, etc., and this type of damage is not widespread, but is limited and spotty, eligibility of correction work is questionable especially if corrective work would cost less per mile than the normal annual maintenance cost per mile of similar facilities.

d. Emergency Detours

The maintenance of detours and sections of restored roadbeds is not eligible. Maintenance required between completion of the temporary repairs and the start of the permanent repairs is not classified as construction and is, therefore, not eligible.

Temporary connections should be constructed to be consistent with anticipated volume and type of essential traffic, reasonable speeds, safety, term of use, and costs. However, ER funds are not necessarily intended to be used to restore predisaster levels of service for the interim period until permanent repairs can be made. Where a temporary structure or an alternate existing route is not reasonable or practical as a temporary connection, construction of a temporary ferry service (ferryboat, ferry

operation and maintenance, docking and loading facilities) may be eligible for ER funds. ER participation in the ferryboat is limited to acquisition costs less resale value or to a reasonable rental fee.

e. Prior Scheduled Work

Work already scheduled to repair or replace deficient facilities damaged during a disaster will not be eligible for ER funds, and should be funded as originally intended. The ER funds may participate in emergency repairs to restore essential travel in such cases. A project is considered scheduled if the construction phase is included in the currently approved Transportation Improvement Program (TIP) and/or Statewide Transportation Improvement Program (STIP), or if contract plans are being prepared.

f. Engineering and Right-of-Way

Preliminary engineering, right-of-way, and construction engineering directly allocable to repair of eligible damage are eligible for ER reimbursement. Maintenance, administration, and overhead costs are not eligible. Costs such as disaster assessment, general supervision, contract administration other than construction engineering, and project planning and scheduling are considered administrative costs. Such costs relate to the overall responsibilities of an agency to manage and operate a highway system rather than to the design and construction of an individual repair project.

g. Landscaping

Replacement of damaged highway landscaping is eligible only if it represents incidental cost associated with otherwise eligible damage.

h. Appurtenances

The repair or necessary replacement of damaged or destroyed guardrail, bridge handrail, and right-of-way fences constructed with Federal funds are eligible if such damage is extensive and not limited to a few isolated cases under each category.

i. Traffic Control Devices

The cost of the repair and replacement of traffic control devices including automatic signals and directional and informational signs, if such damage can be considered as exceeding heavy maintenance, is eligible.

j. Work on Active Projects

Most States require the contractor to take all necessary precautions to protect the section of all Federal-aid projects, including those financed with ER funds, under construction or practically completed, but not yet accepted by the State. Before considering an ER project for rehabilitation work on an active construction project, it must clearly be established that such rehabilitation work is not, in fact, the responsibility of the contractor.

k. Toll Facilities

ER funds may participate in repair of toll facilities on the Federal-aid highways when the provisions of Section 129 of Title 23, U.S.C. are met. If an existing toll facility on a Federal-aid highway route does not have an executed toll agreement with the FHWA at the time of the disaster, a toll agreement may be executed after the disaster to qualify for that disaster. Loss of toll revenue is not eligible for reimbursement.

l. Roadways — Raising Grades

Temporary work to raise roadway grades to maintain essential traffic service during the flooding is eligible. This is limited to fill material plus temporary surfacing material. Where roadways have been severely damaged and substantial lengths need to be permanently reconstructed, on a case-by-case basis, if cost effective, raising the roadway grade as a part of the permanent reconstruction project to avoid future flooding problems could be eligible.

Raising the grade of roadways that, even though submerged during the flooding have suffered no significant damage as a direct result of the flooding, is not eligible. For those roadways temporarily raised during flooding to maintain essential traffic service and that have otherwise suffered no significant damage as a direct result of the flood, work to permanently provide a higher grade (recompact fill and provide permanent surfacing) is not eligible.

m. Roadways — Overlays

Where entire sections of roadways are damaged and need to be reconstructed, new surfacing is eligible. In addition, where several intermittent but close-by sites need to have the surfacing repaired, resurfacing of the entire section between and including the sites is eligible. Overlays of roadways that, even though submerged during the flooding have suffered no significant damage as a direct result of the flooding, are not eligible.

C. SPECIFIC CRITERIA

In flood situations, eligible damage must be caused by erosion, inundation, or extensive landslides resulting from flood waters. Heavy damage due to unusual saturation conditions will usually be handled similarly. Minor damage due to heavy rainfall and resulting from surface saturation of slopes and embankments is not considered unusual and is ineligible. Eligible items necessary for the repair or reconstruction of damaged highway facilities are divided into the following principal areas.

1. Emergency Repairs

Temporary operations including emergency repairs and protective measures undertaken during, or immediately following, the occurrence of a disaster are eligible for reimbursement. These operations resulting from a natural disaster or catastrophic failure are for the following purposes:

- To reduce the extent of damage
- To protect remaining facilities
- To restore essential travel

Typical examples of the type of temporary operations are as follows:

- Regrading of roadway surfaces, roadway fills, and embankments
- Debris removal
- Erection and removal of barricades and detour signs, flagging and pilot cars during the emergency period, sandbag revetments for roads located atop levees, and placement of riprap around piers and bridge abutments to relieve severe scour action
- Dynamiting and other removal of drift piling up on bridges, including rental of boats
- Placement of riprap on the downstream slopes of approach fills to prevent scour during overtopping of the fill
- Removal of slides
- Construction of temporary roadway connections (detours)

- Erection of temporary detour bridges
- Replacement of approach fills
- Use of ferryboats to provide temporary substitute highway traffic service.

Any such work may subsequently be included in an ER program, which, when submitted for approval, should include both emergency repairs and any permanent restoration work performed coincidentally therewith.

a. Intent of Emergency Work

The intent of temporary operations, including emergency repairs, is to permit the immediate performance of work to restore essential traffic that cannot wait for a finding of eligibility and programming of a project. Emergency repair work should be accomplished in a manner that will reduce additional work required for permanent repairs.

The Division Administrator's concurrence on the need for emergency work conveyed in the Division's acknowledgment to the State's letter of intent does not authorize the agency to proceed with permanent restoration work on damaged highways unless the restoration is more economical or practical to perform as an associated part of the emergency operation. This incidental restoration can be performed simultaneously with the emergency work provided it is properly covered in the damage inspection report. If such work has been accomplished prior to the site damage review, retroactive approval may be given when circumstances warrant.

There may be situations where immediate completion of the permanent work is the most economical and feasible operation to quickly restore essential traffic. An example would be the case of a bridge and approaches being washed out, construction of a detour being both costly and time-consuming, and the agency involved having precast concrete girders readily available that could be used at the site. In such a case immediate construction of the permanent structure and approaches could be accomplished at the discretion of the State, and approval by FHWA would be handled as emergency repair.

b. Roadway Repairs

The use of ER funds for temporary repairs to roadways is normally limited to the amount necessary to bring the washed-out fills and slip-outs back to grade with a gravel surface. However, in most cases these emergency repairs to roadways will not be constructed to true line and grade. They usually will follow the terrain and be constructed in the easiest and most expedient manner. The repair to the road, nevertheless, should be good enough so that traffic can travel over it safely at a speed expected of the road involving the troubled area. Where routes handle heavy traffic, an appropriate type of bituminous surface as a temporary repair will be eligible for short sections of roadway.

The placement of the final high-type pavement is normally considered permanent repair. If performed as emergency work, such paving must have prior FHWA concurrence to be eligible for Federal participation. The Division should consider traffic characteristics, remoteness of the site, traffic control requirements, and socioeconomic factors prior to approval.

2. Permanent Repairs

Permanent restoration work is not eligible if performed prior to program approval and authorization by the Federal Highway Administration, unless it is determined to be more economical or practical to perform such work as an associated part of the emergency repairs; documentation of this determination is required. Permanent repairs should be administered using normal Federal-aid procedures that may include skeleton PS&E, short advertisement period, etc. Such repairs may involve one or more of the following categories of work.

a. Restoration in Kind

The ER program facilitates repair and restoration of highway facilities to predisaster conditions. Restoration in kind is therefore the predominate type of repair expected to be accomplished with ER funds. Any additional features or changes in character from that of the predisaster facility are generally not eligible for ER funding unless justified on the basis of economy of construction, prevention of future recurring damage, or technical feasibility.

b. Replacement Facilities

Where a facility has been damaged to the extent that restoration to its predisaster condition is not technically or economically feasible, a replacement facility is appropriate. Replacement facilities should be constructed to current design standards. ER participation in a replacement roadway will be limited to the costs of a roadway to current design standards of comparable capacity, (e.g., number of lanes), and character, (e.g., surfacing type, access control, rural/urban section), of the destroyed facility. ER reimbursement for a replacement bridge will be the cost of a new bridge to current design standards for the type and volume of traffic the bridge will carry during its design life.

ER participation may be prorated to the costs of a comparable facility when the proposed replacement project exceeds the capacity and character of the destroyed facility.

c. Betterments

A betterment is defined as any additional feature, upgrading, or change in capacity or character of the facility from its predisaster condition. Betterments are generally not eligible for ER funding unless justified on the basis of economy, suitability, and engineering feasibility and reasonable assurance of preventing future similar damage. Betterments should be obviously and quickly justifiable without extensive public hearing, environmental, historical, right-of-way, or other encumbrances. The justification must weigh the costs of the betterment against the probability of future recurring eligible damage and repair costs.

Upgrading resulting from construction of replacement facilities to current standards as defined above, is not considered a betterment relative to the need for further justification. However, with respect to roadways, increases in capacity or a change in character of the facility would be considered betterments, but are not justified for ER participation.

Betterments that have been approved in the past upon proper justification include:

- (1) Dike reconstruction
- (2) Grade raises
- (3) Increased waterway opening

(4) Installation of riprap

(5) Relocation

(6) Slide stabilization

(7) Slope stabilization

Betterments resulting from environmental or permit requirements beyond the control of the highway agency are eligible for ER funds if these betterments are normally required when the Agency makes repairs of a similar nature in its own work.

Raising of grades, relocations, or replacements with increased waterway opening must be properly justified. The reduction of a waterway by the deposit of a large alluvial fan in the vicinity of an undamaged bridge does not qualify the undamaged bridge for replacement. When an applicant proposes to increase the waterway opening by replacing the original closed abutment structure with an open-end abutment structure, the building of a new structure is of questionable economy.

Minor relocations and alignment shifts are frequently advisable and are eligible for ER participation. However, any design made to avoid damage that could be expected to occur infrequently is questionable. Added features of appropriate protection, such as slope stabilization, slope protection, and slide prevention measures wherever practicable, must have proper support. Slide stabilization work has been declared ineligible in problem areas where slides recur annually. The cost of monitoring slide stabilization measures after construction is not eligible. Additional corrective work after completion of the initial stabilization is not eligible. ER participation in the initial construction does not create a continuing ER responsibility for future additional work.

d. Replacement in Kind

Where extensive damage has occurred, ER funds may be used for replacement in kind as the proper solution, but with added features of appropriate highway or bridge protection. Where relocation is necessary, each case must be considered carefully to determine what part of the relocation is justified for construction with the participation of ER funds.

e. Wayside Areas

Wayside areas include rest areas and truck weighing stations. Damage repair is considered eligible. The criteria established under paragraphs a. and b. also apply here.

f. Replacement of Culverts

Upgrading of culverts to current standards must be specifically related to eligible disaster damage repair.

- (1) Damaged culverts are eligible for repair in kind.
- (2) Destroyed culverts are eligible for replacement to current standards.
- (3) Wholesale upgrading of deficient culverts on an area or route basis is not eligible.

g. Deficient Bridges

This includes unsafe structural conditions only, does not consider waterway opening, functional obsolescence or serviceability, etc. A structurally deficient bridge that was not under construction or scheduled for replacement (plans being prepared or in the current Transportation Improvement Program and/or State Transportation Improvement Program for construction) with other Federal funds may be eligible for ER. The intent is to ensure that ER funds do not replace other Federal funds. The following represent two common situations:

- (1) Bridge is damaged but is repairable. ER funds may participate in:
 - (a) Reasonable emergency repair to restore travel
 - (b) Repair of disaster damage if bridge will be structurally safe upon completion of disaster damage repair (repair of disaster damage corrects structural deficiency)
 - (c) Repair of disaster damage if other funds are used to simultaneously correct the structural deficiencies (repair of disaster damage will not correct structural deficiency)
 - (d) No permanent repair if bridge is scheduled for replacement
- (2) Bridge is destroyed or repair is not feasible. ER funds may participate in:

- (a) Reasonable emergency repairs to restore traffic
- (b) New comparable replacement structure if bridge is not scheduled for replacement
- (c) No permanent repair if bridge is scheduled for replacement.

h. Bridge Betterments

Two common bridge betterment situations are:

- (1) Bridge is destroyed; a new comparable replacement structure would be eligible, betterments are generally not a consideration except for the following:
 - (a) Extensive relocation of a replacement bridge is an ineligible betterment and ER participation will normally be limited to the cost of the structure and a reasonable approach length.
- (2) Bridge is seriously damaged but repair is feasible. Repair in kind is eligible for ER funds.
 - (a) Added protection features such as riprap, spur dikes, or additional channel work if justified as a betterment would be eligible; that is, there is reasonable assurance that similar future damage would be prevented and the cost of the betterment does not unreasonably exceed anticipated future ER costs. Control features for stream channels outside of the highway right-of-way are generally not eligible. Work involved in channel changes, riprap, bank protection, clearance of debris and wreckage from the channels and stream beds, and other associated permanent work is not eligible unless it can be established that the public highway agency has jurisdiction and responsibility for the maintenance and proper operation of this section of the stream. Normally, projects associated with channel work (riprap, bank protection, etc.) that require right-of-way purchases and/or easements outside the right-of-way are not eligible. The fact that the agency responsible for channel maintenance does not have funds to finance the repair and protection work is not an acceptable justification for ER fund assistance. In situations involving requests for participation in erosion control and bank protection outside the highway right-of-way, the following items must be verified by the highway agency to obtain eligibility:

1. The work is directly related to protection of the highway facility.
2. The work is not eligible for funds from another agency.
3. No other agency has the responsibility for such work.
4. The applicant agrees to accept the future maintenance of all work performed.

When work of this type is proposed, the project documents should include a letter from the State agency covering all four of the above features including acceptance of the responsibility for maintenance. Other supporting data should include copies of correspondence with the Army Corps of Engineers or other appropriate agency to verify that no other eligibility or responsibility exists.

(b) Increased bridge width or other geometric improvements and correction of nondisaster related structural or surfacing improvements such as deteriorated piling or decks are not eligible.

i. Protective Work

When permanent and emergency repairs cost considerably less than proposed protective measures such as riprap, eligibility of protective measures is questionable. For example, if repairs consisting of replacement in kind cost only \$3,000 and the estimated cost to provide sufficient protection to prevent damage under similar unusual conditions is \$9,000, participation beyond that necessary for replacement in kind is not economically justified.

j. "Convenient" Damage

To eliminate a recurring annual maintenance problem with ER funds based on the occurrence of a disaster is questionable. For instance, the applicant proposes to replace a damaged triple box culvert and roadway fill with a bridge. This is a betterment to alleviate an annual maintenance problem that was accelerated by a disaster. ER participation in the construction cost of a bridge is limited to the amount necessary to repair the triple box culvert.

k. Rock and Mud Slides

The removal of rock and mud slides is eligible. Such a slide, unless justified on its own as a catastrophic failure, must be associated with the overall natural disaster.

When an old slide has been activated during a natural disaster, its correction to provide a safe roadway is eligible. Should the agency propose to relocate a road instead of correcting the old slide, the cost of the relocation to predisaster capacity and character may be eligible if justified as a betterment.

Slide stabilization is also a betterment. ER participation must be based on a detailed analysis of the slide and on reasonable assurance of preventing similar future damage, showing stabilization costs do not unreasonably exceed anticipated future ER costs. Such analysis must include road relocation and do-nothing alternatives and consider previous testing and recommendations for the area.

l. Plugged Culverts

Cleaning out plugged culverts is an eligible activity as long as it is considered beyond heavy maintenance or is associated with other eligible damage. Replacement of plugged culverts should be considered eligible only when justified as a betterment or when clean up is not cost-effective.

3. Administrative Expenses

a. Regular and Extra Employees

Regular salaries and overtime salaries and wages of all regular and extra employees of the applicant directly engaged in the performance of work on ER projects are eligible for reimbursement by the Federal Government. Timekeeping procedures should facilitate allocating employees' time to projects, and/or other activities, each day on an hourly basis. A timekeeping document, such as time slip, time and attendance report, or time book, must be available for examination by audit personnel to support direct labor costs claimed on any ER project. The document should be signed by a responsible employee having knowledge that the time distribution is accurately reported.

b. Payroll Additives

Usually referred to as labor surcharge, a set percentage over and above the total direct labor costs charged to a project is eligible for participation. This surcharge is to cover costs of various types of leave allowances, industrial accident insurance coverage, and other employee benefits. The allowable percentage rates will normally vary from year to year. Also, employee benefits allowed by one applicant may differ widely from those allowed by another. Therefore, the records used in developing percentage rates should be

preserved under suitable control conditions to assure availability for examination when requested. The acceptable percentage rate may be applied only to direct labor costs.

c. Other Expenses

Expenditures for organization, maintenance, general administration, supervisory overhead, or other overhead of the SHA, or political subdivision shall not be eligible for Federal participation. However, personnel whose activities normally place them in an overhead category may be assigned to a specific project in an emergency. During such periods, salaries of these individuals would be eligible for Federal participation, provided their time is identified on source documents with ER projects.

4. Supplies and Materials

Engineering and general office supplies of an expendable nature, charged from stock or purchased for a particular project, and properly identified on the stock-issue slip or vendor's invoice with the project charged, are considered eligible for participation. In the case of issues from stock, verifiable evidence to assure validity of the prices charged must be available for examination if requested. Many classes of materials required for ER projects are purchased for a particular project. In such cases, the costs are eligible for Federal participation, provided the project on which the materials are used is properly identified on the supplier's invoice. The cost of materials issued from stock warehouses or agency-produced or purchased stockpiles for use on an ER project must be properly supported. The records supporting the prices charged should be available for audit when requested. Also, the source document (stock-issue slip or supplier's invoice) should be signed by a responsible employee having knowledge that the supplies or materials have been actually incorporated into the project.

5. Equipment

The use of applicant-owned equipment or equipment owned by, and rented from, another public entity, or rented equipment from commercial sources, which is necessary for the prosecution of work properly authorized under an ER project, will be eligible for Federal participation. Such use should be charged on a per hour, per shift, per mile, etc., basis. The rental cost of such equipment may include such items as

normal operation (gasoline, fuel oil, lubricants, antifreeze, etc.); repair (major and minor), etc.; and depreciation or replacement expenses. Costs in excess of normal depreciation to cover the increased costs of replacement equipment are to be excluded from equipment rental rates applied to ER projects. The rates per unit for applicant-owned equipment must be properly supported by verifiable analyses covering specific sizes and types of equipment charged. Lacking such documented cost analyses by the applicant, Federal funds will participate in the equipment rental costs on the basis of rate developed by the SHA that have been approved by the Division Administrator. Each applicant should use either the FHWA approved State highway rates or its own established rates, but not a combination of both. The required document action to support equipment rental charges will be an acceptable time and equipment use report, signed by a responsible employee signifying actual use of the equipment on the project designated.

Reasonable costs of equipment rented from commercial sources for use on ER projects will be eligible for Federal participation. The extent of "reasonableness" will be determined by the Division Administrator as consistent with the current edition of the Associated Equipment Distributors Manual or rates charged by a recognized rental agency. A commercial invoice, signed by a responsible employee signifying actual use of the equipment on the project designated, is required documentation to support equipment rental charges. The supporting document must indicate the period of use shown thereon applicable to an identified ER project. The applicant may also claim operating costs provided that the rental costs do not include operating cost. Equipment "move in" costs may also be considered eligible.

6. Contractual Services

When permanent repair work not accomplished as emergency repairs is performed under a contract awarded by a local public agency, all Federal requirements outlined or referred to in FAPG Part 633 (23 CFR 633A) relative to required contract provisions shall be met.

7. Construction Engineering

Reasonable construction engineering costs are eligible subject to the limitation as established under 23 U.S.C. 106(c).

CHAPTER VIII

PROJECT PROCEDURES AND REQUIREMENTS

(Reference FAPG 23 CFR 630A)

A. GENERAL

Once a favorable finding that emergency or catastrophic conditions justify an allocation of ER funds has been received, the SHA should submit promptly a program of projects for repair of damage to the Federal-aid highways. Projects should be individually justified. If sufficient information is available when the Field Report is submitted, the first program of ER projects may be the Field Report itself or it may accompany that report, even though a finding has not been made at this stage. The program of projects should be submitted within 3 months after the disaster finding by the Federal Highway Administrator.

A program of projects is to be submitted to the FHWA Division office regardless of the Division office's role in project oversight on Federal-aid projects.

B. FUNDING

When the Federal Highway Administrator makes an affirmative finding on a State's request for ER, an allocation of ER funds is normally made to the Region. The initial allocation, generally based on the amount of anticipated obligations for the current fiscal year, could be less depending on the availability of ER funds. If less than the total needed funds are initially allocated, the remainder will be provided as requested and available.

ER funds are released on an as-needed basis upon request by the Division. This authority can be used for obligating ER funds on any approved disaster in the State. Division Offices should be prepared to readily identify obligations by appropriation and by disaster. The FMIS provides a disaster number entry, which should be carefully entered to ensure that legislated limits on obligations for a particular disaster are not exceeded. The disaster number is normally assigned at the time of the finding. This number should be shown as part of the disaster identification on the program. It consists of the fiscal year of the initial damage, followed by the sequence number of the disaster; thus, a disaster that began on October 1, 1992, would be shown as "93-1," with any subsequent eligible disasters during the 1993 fiscal year followed in sequence as "93-2," etc. Proposed major changes in termini or scope of work for a project on an approved program shall be submitted as a program change.

C. PREPARATION AND SUBMISSION OF PROGRAMS

Programs of ER projects should be prepared by the SHA. The program of projects should:

1. Indicate the natural disaster or catastrophic failure and the time of its occurrence
2. Relate the damage to that described in the damage assessment reports prepared during the field survey
3. Describe proposed permanent repairs or replacements on a site-by-site basis (although sites may be lumped by route and county for program purposes)
4. Include supporting material indicating the suitability and economy of upgradings or betterments including relocation proposed for participation with ER funds. For some projects it will be necessary to complete additional design work in order to develop justification for added protective features, relocation, or grade raises subsequent to program approval. When betterments are contemplated, the State or local agency should contact the Division Administrator so that further project development is accomplished with FHWA involvement.
5. Identify emergency repairs.

D. APPROVAL OF PROGRAMS

The Regional/Division Administrators have been delegated authority to approve programs of projects that are located on the Federal-aid highways.

E. PROJECT OVERSIGHT

ER projects for permanent repairs should be processed following regular Federal-aid procedures. In those cases where a regular Federal-aid project in the State similar to the ER project would be handled under the certification acceptance procedures found in 23 U.S.C. 117 or the project oversight exceptions found in 23 U.S.C. 106, the ER project can be handled under these alternate procedures subject to the following two conditions:

Any betterments to be incorporated into the project and for which ER funding is requested must receive prior FHWA approval.

The FHWA reserves the right to conduct final inspections on all ER projects. The Division Administrator has the discretion to undertake final inspections on ER projects as deemed appropriate.

F. COMBINED FEDERAL-AID AND EMERGENCY RELIEF

When the State or applicant decides not to replace a damaged facility in-kind and proposes work in excess of the work eligible for ER funds, a combined project may be programmed using ER funds to the extent eligible. Other Federal-aid funds may be allocated for the additional work. Separate programming is required for each class of funds with appropriate cross-referencing.

G. CONSTRUCTION START DEADLINE

ER funds are allocated to assist the States and other agencies or organizations in conditions of emergency. It is expected that, after approval of programs and allotment of funds, all projects will be completed promptly. Delay in the advancement of an approved ER project to construction and completion within a reasonable period of time could result in withholding of funding for that project. Emergency opening work should be accomplished within 1 month of accessibility to the site.

Unless satisfactory justification for delay in advancement of a project warrants its retention, projects for permanent repairs that have not advanced to construction by the end of the second fiscal year following the year in which the disaster occurred will not be authorized. Justification for such delay must be submitted to the Washington Headquarters for approval. In certain situations it may be desirable to delay permanent work for as much as 2 to 3 years. Permanent restoration work, for example, could be deferred to permit study of a serious slide condition, thereby allowing sufficient time to adequately design a permanent correction. Delays not directly attributable to the emergency, such as for legal actions, or other administrative problems, may not be considered appropriate justification for delay of ER work.

H. FHWA AS THE CONSTRUCTION AGENCY

State or local agencies may request FHWA to accomplish repairs, reconstruction, or relocation of sections that are on the Federal-aid highways. The emergency operations to restore essential travel should be handled by the State or local agency. In any event, where such situations are anticipated, a letter of request should be prepared by the State or local agency through the State to the Division Administrator expressing the desire to have FHWA perform the work. The Division Administrator should promptly forward any such request to the Federal Lands Highway Division Engineer along with his/her recommendations, and arrange for a joint field inspection by the two offices, the local agency, and/or the State.

I. AUTHORIZATIONS

Temporary operations, emergency repairs, and preliminary engineering, including consultant work, may proceed without prior authorization. This work need not be authorized retroactively; however, the need for such work must subsequently be approved by FHWA as part of a program of projects. Permanent restoration work shall not be performed prior to FHWA authorization unless performed as part of emergency repair per 23 CFR Part 668.109(a)(2).

J. PROJECT DESIGNATIONS

1. Emergency Relief (ER)

All projects involving the use of ER funds located on the Federal-aid highways (not on Federal roads as described in the following paragraph) shall be designated by the prefix letters "ER."

2. Emergency Relief — Federally Owned (ERFO)

The prefix letters "ERFO" will be used for all projects on Federal Roads.

3. ER-ERFO

Combination projects designated "ER-ERFO" may be used where portions of a project on a Federal-aid highway are also located on Federal roads.

4. Project Numbering

The State may designate the project numbering system to be used for each project resulting from a natural disaster or catastrophic failure.

- a. Where an existing “ER” series has been established, the State may continue the sequence of the established series of project numbers for several individual improvements, with separate agreement numbers used to cover each individual improvement.
- b. Projects may be numbered to conform to the system established for other Federal-aid projects. For the project number, enter seven digits (four digits for Route number and three digits for agreement number) preceded by the prefix ER.
- c. Item number 15 in the Fiscal Management Information System should be completed as follows.

The Disaster Code (six digits — first five numeric and sixth alpha) should be used. The first four digits represent the fiscal year in which the disaster actually began, e.g., 1992 or 1993, etc. Enter as the fifth digit the sequence number of the disaster. The sixth digit is an alpha code describing the type of repair work proposed and the cause of damage. Where one project includes multiple types of work and causal factors, the most costly element of the project should be used for this purpose. The following codes are to be used.

- A — Permanent work, flood related damage
- B — Permanent work, damage from slides
- C — Permanent work, damage from other causes (winds, fire, special situations)
- X — Temporary work, flood related damage
- Y — Temporary work, damage from slides
- Z — Temporary work, damage from other causes (wind, fire, special situations)

If more than one disaster occurs in a given fiscal year, repeat the fiscal year and increase the sequential number by one for each disaster (e.g., the first disaster in 1992 will be coded 19921, and the second disaster 19922, etc.).

K. FORCE ACCOUNT/ CONTRACTS FOR EMERGENCY REPAIRS

Work shall be undertaken by the advertised contract method where feasible. The FHWA may approve a waiver of the advertising requirement if such procedures are authorized by State or local law, and the contract method chosen is suitable for the proposed corrective work.

Public agencies may perform force account work but are not permitted to compete for solicited or negotiated contracts.

1. Force Account

Due to the emergency character of the work, State and local forces and/or negotiated equipment rental contracts may be used in handling a considerable portion of the emergency repairs.

In accordance with paragraphs 1a and b of FAPG NS 23 CFR 635B, a formal finding for force account work for emergency repairs is not required.

2. Solicited Contract

A solicited contract may be warranted due to the emergency character of the work. A reasonable number of contractors/material suppliers are contacted by telephone and asked to submit bids on a specific amount of work. These bids may be on the basis of equipment rental, labor, and materials. Under provisions of 23 U.S.C. 112(c) a sworn statement of noncollusion is required. A summary showing how the solicitation was conducted, who was contacted, and the responses by the contractors must be prepared.

3. Negotiated Contracts

A negotiated contract is one in which a contractor is selected and an arrangement for completing a certain amount of work has been reached. Usually such contracts will include move-in costs and/or a percentage of cost based on actual cost of equipment, labor, and materials. In some instances, one of the contractors may act as the prime contractor, therefore, there may also be an additional percentage of actual cost included for the supervision of the other contractors' equipment on the job similar to a subcontracting agreement.

The sworn statement required by Section 112(c) of Title 23 is not required since competitive bidding is not involved. The finding need not be made for negotiated contracts on emergency repairs.

L. DESIGN STANDARDS

Reconstruction of damaged roadway and bridge facilities must meet adequate standards, including appropriate safety features. Reconstruction of extensively damaged facilities, including betterment projects when adequately justified, should meet the current design standards. Replacement of roadway facilities other than bridges is limited to the existing number of lanes and surface type. Bridges may be replaced with a facility that meets current geometric and construction standards required for the type and volumes of traffic that such a facility will carry over its design life.

M. ENVIRONMENTAL IMPACT ASSESSMENT

A categorical exclusion under 23 CFR 771.117(c)(9) is generally applicable to ER projects. This category applies to repair of the damaged roadway to predisaster condition and requires the concurrence of the Division Administrator only if unusual circumstances are involved. If the project involves unusual circumstances as defined in 23 CFR 771.117(b), appropriate environmental studies are required to determine if the categorical exclusion classification is proper. In cases where a categorical exclusion classification is not appropriate, an environmental assessment or environmental impact statement must be prepared.

If completing such environmental work imposes a severe hardship because of emergency circumstances, the Division Administrator can request that Headquarters approve deviations from normal procedures under the provisions of 23 CFR 771.131.

Excessive delays in completing the environmental process may jeopardize an otherwise reasonable project by removing it from an eligible category under 23 U.S.C. 125. In other words, if a situation persists with no correction for an extended period of time, it may be unreasonable to continue to classify it as a disaster-related emergency, but rather as a long-term need to be funded with regular Federal-aid.

N. ABBREVIATED PLANS

The FHWA Division Administrator may approve abbreviated plans, provided all essential information necessary to describe the work to be accomplished and to determine the reasonableness of unit prices for contract or force account work have been provided.

O. STATE EMERGENCY MANUAL

An important element of emergency procedures is the State's emergency operation plan. Since Federal-aid funds are not available for maintenance and much of the emergency operation will be handled by maintenance personnel, the State's instructions should be carefully reviewed. It may be appropriate to supplement the State's instructions with portions of this manual, for example, Chapter VI, DETAILED DAMAGE ASSESSMENTS, and Chapter VII, ELIGIBILITY.

EXAMPLE

This affidavit shall be executed by the successful bidder
in accordance with the provisions of 23 U.S.C. 112(c).

NONCOLLUSION AFFIDAVIT

To the State of [State], Department of Transportation:

The undersigned in submitting a bid for performing the following work by contract, being duly sworn, deposes and says:

That he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with such contract.

(Description of Contract)

Signature of Bidder

Business Address

Place of Residence

Subscribed and sworn to before me this _____ day of _____,
19____.

Notary public in and for the County of

_____, State of [State].

My Commission Expires _____, 19____.

CHAPTER IX

CATASTROPHIC FAILURES

A. GENERAL

Catastrophic failures are not eligible simply because they are catastrophic. A catastrophic failure is defined as the sudden and complete failure of a major element or segment of the highway system that causes a disastrous impact on transportation services; that is, a failure in the mode and nature and also an impact on the transportation service. The failure must be catastrophic in nature. Additionally, in order to be eligible for ER, the cause must be determined to be external to the facility.

B. CRITERIA

External cause and unusual heavy expenses are the basic criteria for determining eligibility for ER funds. The extent of this type of failure does not normally cover a wide area. ER funds are not to be used for replacements where the failure is due to gradual and progressive deterioration and lack of proper maintenance.

C. PRELIMINARY APPLICATION

The State and/or the Federal agency requesting ER funds must file an application with FHWA through the Division Administrator (Reference Chapter II).

D. GOVERNOR'S PROCLAMATION

For Federal-aid routes the Governor of the State in which the failure is located must declare an emergency to exist due to a catastrophic failure.

E. FIELD REPORT

For the conditions to justify an allotment of ER funds, a favorable finding must be made by the Federal Highway Administrator. The Administrator's finding will be based upon the State's application, the signed or certified copy of the Governor's proclamation when the Federal-aid highways are involved, and submission of the Field Report. The Division Administrator assigns appropriate personnel to conduct a field study and report thereon.

F. SAMPLE OUTLINE FOR FIELD REPORT (CATASTROPHIC FAILURE)

- 1. General Discussion**
 - a. External cause
 - b. Date of occurrence
 - c. General discussion of failure
 - d. General discussion of impact on travel
 - e. Estimated cost of repair
- 2. Detailed Supporting Information**
 - a. Major element or segment of system
 - (1) Importance of route
 - (2) Availability of alternate routes
 - (3) Traffic data
 - b. Nature of Failure
 - (1) Cause of failure, including statement regarding deterioration or lack of proper maintenance
 - (2) Description of actual physical failure to the traveled way
 - (3) If a bridge is involved, a description of the latest bridge inspection report, including actions recommended and accomplished
- 3. Indication of State action to seek damages from legally responsible parties**
- 4. Division recommendations (can be in transmittal memorandum)**
- 5. Photographs**

CATASTROPHIC FAILURE ILLUSTRATION

A PROCLAMATION BY THE GOVERNOR:

WHEREAS, The disastrous fire occurring at [City], [State], on (Date), resulting in the destruction of the bridge across the Condor River has created serious and emergent disruption to commerce and transportation in Douglas, Chelan, and Okanogan Counties, by severance of the established trade and travel patterns for transporting important orchard and other agricultural products to market and by alienating the homes of many residents from their place of business or source of livelihood; and

WHEREAS, In addition to the economic aspects, serious adverse safety conditions have been inflicted on local residents due to loss of fire and medical protection; and

WHEREAS, It is necessary to take immediate steps to provide vehicular ferry service, to remove the damaged structure presently obstructing the Condor River channel, and to proceed immediately with the design of a replacement structure; and

WHEREAS, 23 United States Code 125 has made provision for catastrophes befalling the States such as have occurred in this instance;

NOW, THEREFORE, I, Steven A. Smith, Governor of the State of [State], do hereby proclaim an emergency to exist within the counties of Douglas, Chelan, and Okanogan as a result of the fire of August 15, 19__, and consequent disruption of commerce and transportation of the area and the creation of adverse safety conditions to local residents resulting from loss of fire and medical protection; that the immediate restoration of vehicular traffic service via ferry and the immediate removal of the damaged structure and construction of a replacement facility is vital to the security, well-being, and health of the citizens of the State of [State]: and that the Federal Highway Administrator is hereby requested to concur in the declaration of this emergency.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of [State] to be affixed at _____ this sixteenth day of August, A.D., nineteen hundred and _____.

Governor of the State of [State]
BY THE GOVERNOR:

Secretary of State

INDEX

A

Abbreviated plans	32
Acknowledgment letter	5
Actual cost	31
Additional feature	24, 25
Administrative costs	22
Administrator's finding	19, 35
Aerial photos	13
Alert Bulletin	3
Alignment shifts	25
Allocation	15, 29
Ambulances	19
Annual maintenance problem	27
Applicant	5, 17, 20, 21, 25, 27, 28, 30
Application	2, 5, 9, 15, 16, 35
Approach fills	24
Attributable	12, 19, 20, 30
Audit	8, 12, 27, 28
Authorizations	30
Automatic signals	22
Availability of ER funds	29

B

Bank control features	19
Barricades	23
Base courses	19
Bike and pedestrian paths	19
Billing	12
Bridge .1, 13, 21, 22, 23, 24, 25, 26, 27, 32, 35, 36	
Bridge abutments	23
Bridge handrail	22
Bureau of Indian Affairs	11

C

Capacity	1, 19, 20, 25, 27
Catastrophic failure	1, 5, 9, 15, 19, 20, 23, 27, 29, 31, 35, 36
Certification Acceptance procedures	29
Channel work	26
Character	20, 24, 25, 27, 31
Cleaning of plugged culverts and pipes	19
Clear zone	22
Clearing limits	21, 22
Combination projects	30
Combined project	30
Comparable replacement structure	26
Competitive bidding	5, 32, 33
Concurrence	7, 9, 12, 16, 24, 32
Congress	1
Construction engineering	22, 28
Continuing ER responsibility	25
Contract administration	22
Coordination	2, 11, 13, 15
Copies	13, 27
Corrective	15, 20, 22, 25, 31
Corridor parking facilities	19

Costs	1, 8, 12, 15, 19, 21, 22, 25, 26, 27, 28, 31
Cribbing	19
Culverts	19, 20, 21, 26, 27
Cut slopes	19

D

Damage inspection report	11, 17, 24
Damaged culverts	26
Debris	19, 20, 21, 22, 23, 26
Delay	17, 30
Design	2, 8, 17, 22, 25, 29, 30, 32, 36
Design life	25, 32
Design standards	25, 32
Detailed Damage Inspections	17
Deterioration	35
Direct result	19, 20, 23
Disagreement	17
Disaster assessment	11, 12, 17, 22
Disaster declaration	9, 16
Disaster number	29
Ditches	20, 21, 22
Division Administrator	3, 5, 7, 8, 11, 15, 17, 24, 28, 29, 30, 32, 35
Docking and loading facilities	22
Documentation	12, 16, 17, 24, 28
Drift	23
Dynamiting	23

E

Economic hardship	1, 19
Economic loss	11
Eligibility	1, 5, 8, 11, 12, 17, 19, 22, 24, 26, 27, 32, 35
Embankments	19, 21, 23
Emergency detours	21, 22
Emergency operation plan	32
Emergency repair	1, 15, 24, 26, 30
Equipment	8, 11, 19, 21, 28, 31
ERFO	30
Erosion	21, 22, 23, 26
Essential travel	1, 8, 20, 22, 23, 30
Estimated cost	17, 27, 35
Expenses	1, 19, 27, 28, 35
Extent	1, 8, 9, 10, 11, 12, 13, 15, 17, 20, 23, 24, 25, 28, 30, 35
External cause	1, 15, 35
Extraordinary conditions	1, 9, 19
Extraordinary repair expenses	1

F

Federal agencies	1, 2, 12
Federal Emergency Management Agency (FEMA)	1
Federal Highway Administrator	2, 5, 7, 8, 9, 10, 15, 29, 35, 36
Federal roads	1, 11, 30

Fences	20, 22
Ferry service	22, 36
FHWA as the construction agency	30
FHWA concurrence	24
FHWA field engineer	13, 17
Field Report	2, 5, 8, 9, 11, 13, 15, 16, 17, 29, 35
Filled ditches	20
Final inspections	30
Final voucher	12
Finding	2, 5, 8, 9, 15, 16, 19, 24, 29, 31, 32, 35
Fiscal year	15, 29, 30, 31
Flagging	23
Floods	1, 2, 3, 10
FMIS	29
Forest fires	3
Forest Service	11
Freezing	20
Frost Heaving	20
Functional obsolescence	26
Funding	9, 11, 12, 15, 16, 24, 25, 29, 30
Future recurring damage	24

G

General administration	28
General supervision	22
Governor's proclamation	9, 10, 16, 35
Grade raises	25, 29
Guardrail	20, 22

H

Handbook	2
Hauling costs	21
Hazard mitigation	2
Helicopters	19
Highway accidents	3
Historical	17, 25
HNG-12	5
Hurricanes	1, 3, 19

I

Impact	1, 9, 32, 35
Independent verification	12
Inspection Team	17
Intensity	1, 8
Intensive rainfall	20
Interim	1, 19, 22
INTRODUCTION	1
Inundation	20, 23

J

Justification	25, 26, 29, 30
---------------------	----------------

L

Labor surcharge	27
Lake rise	15, 20
Landscaping	22

Landslides.....	1, 3, 19, 23
Legislation	2, 9
Letter of intent.....	5, 7, 8, 16, 24
Levees	23
Levels of service.....	22
Limit on obligations	16
Limitation	1, 28
Limits of serious damage	15
Local funds	1, 19
Local highway agencies	1
Location map.....	17
Long-term problem	15
Loss of surfacing	21

M

Magnitude.....	3, 9, 16
Maintenance.....	3, 11, 12, 15, 19, 20, 21, 22, 26, 27, 28, 32, 35
Maintenance of detours.....	22
Man-made channels	20
Manual for Federal Roads.....	1
Marginal condition.....	13
Marketable timber	21
Mileposts	17
Minor.....	20, 21, 23, 25, 28
Minor relocations	25
Minor slides.....	21
Monitoring slide stabilization	25
Mud	20, 21, 27

N

Natural disaster.....	1, 5, 7, 9, 11, 15, 17, 20, 23, 27, 29, 31
Natural occurrence	11
Natural stream channels.....	20
New construction	1, 19
Newspaper articles	13
Noncollusion	31, 33
Nonconcurrency	16
Nondisaster related deficiencies	19

O

Obligations	1, 15, 16, 29
Office supplies.....	28
Old slide.....	27
Operating costs.....	28
Overhead	22, 28
Overtime	27

P

Park Service.....	11
Participate	12, 19, 22, 23, 26, 28
Pavement settlement	20, 21
Pavements.....	19, 22
Permanent restoration work.....	8, 12, 24, 30
Permit requirements	25
Photographs.....	13, 17, 35

Piers	23
Pilot cars	23
Plugged culverts	19, 27
Political subdivisions.....	1
Positive determination.....	17
Predisaster condition	25, 32
Preliminary application.....	5, 16, 35
Preliminary engineering.....	5, 8, 22, 30
Presidential declaration	13
Prevention.....	24, 25
Preventive	15, 20
Prime contractor	31
Proclamation by the Governor	9, 10, 16, 36
Program.....	1, 2, 5, 8, 11, 19, 20, 21, 22, 24, 26, 29, 30
Program of projects.....	29, 30
Programming.....	5, 17, 24, 30
Project planning.....	22
Project oversight.....	29
Proper maintenance.....	21, 35
Prorated.....	25
Protective measures.....	23, 27
PS&E	24
Public hearing.....	25

R

Radiological incidents.....	3
Records.....	12, 28
Recurring annual maintenance problem.....	27
Regional office	5, 16
Regrading of roadway surfaces	23
Reimbursement.....	12, 22, 23, 25, 27
Relocation	25, 26, 27, 29, 30
Rental of boats.....	23
Replacement facilities	25
Request ER funds.....	5
Rest areas.....	20, 26
Restorative	20
Retaining walls.....	20
Retroactive approval	24
Right-of-way	21, 22, 25, 26
Riprap.....	20, 22, 23, 25, 26, 27
Road closure	15
Routine procedures.....	1

S

Safety.....	15, 22, 32, 36
Salaries.....	27, 28
Sandbag revetments	23
Saturation.....	21, 23
Saturation of slopes.....	21, 23
Scheduled for replacement.....	26
Second disaster.....	16, 31
Secretary of Transportation.....	3
Serious damage.....	1, 9, 11, 12, 15, 19, 20
Serviceability.....	26

Severe storms	1, 19
Shoulder.....	21, 22
Signs	20, 22, 23
Simplify	16, 19
Site costs	21
Sketch of the site	17
Slide.....	15, 21, 25, 27, 30
Slide stabilization	25, 27
Slip-outs	15, 20, 21, 24
Slope sloughing	20
Slow moving slide.....	15
Snow removal.....	19
Snowfall.....	3
Source documents	12, 28
Spur dikes	26
Stabilization.....	25, 27
Staffing/personnel	11
Standards	22, 25, 26, 32
State Emergency Manual	32
Stockpile	21
Storms.....	1, 19
Strikes	3
Submission of the Field Report	17, 35
Subsidence	15
Sudden.....	1, 9, 11, 15, 35
Supplies and Materials	28

T

Technical assistance.....	2, 11
Temporary connections.....	22
Temporary detour bridges.....	24
Temporary operations.....	5, 23, 24, 30
Temporary repair.....	24
Temporary roadway connections	23
Temporary surfaces.....	21
Tidal waves.....	1, 19
Timekeeping.....	27
Toll Facilities.....	23
Traffic	1, 7, 15, 19, 20, 21, 22, 23, 24, 26, 32, 35, 36
Traffic control devices.....	15, 20, 21, 22
Traffic Damage	20
Truck weighing stations	26

U

Unusual.....	11, 15, 17, 20, 21, 23, 27, 32, 35
Upgrading.....	25, 26

V

Volcanic eruptions	19
Volume	22, 25

W

Washington	5, 12, 15, 16, 30
Waterway opening	25, 26
Wide area.....	1, 9, 11, 35
Windshield inspections	12

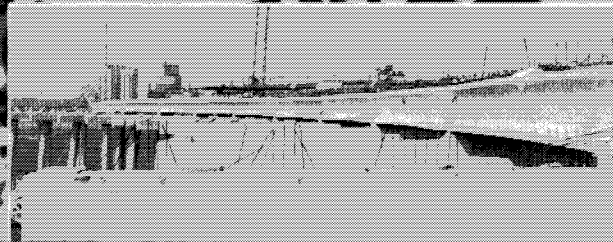




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